

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States Courts
Southern District of Texas
FILED

OCT 03 2019

David J. Bradley, Clerk of Court

Harold Davis-01838671
Plaintiff's Name and ID Number

Estelle Unit
Place of Confinement

CASE NO. **4:19-cv-3856**
(Clerk will assign the number)

v.
Capt. T. Lee-Laundry Supervisor;
264 FM 3478 Huntsville, TX. 77320
Defendant's Name and Address
Sgt. Adair-Laundry Supervisor;
264 FM 3478 Huntsville, TX. 77320
Defendant's Name and Address
Sgt. A. Carter-laundry Supervisor; and
Joe Doe-name unknown-Greivance Supervisor
264 FM 3478 Huntsville, TX. 77320
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? ___ YES xx NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Estelle unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? Attempted YES ~~xx~~ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Harold Davis 264 FM 3478 Huntsville, TX. 77320

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Capt. T. Lee-Laundry Supervisor; 264 FM 3478 Huntsville, TX. 77320

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~Def., disregarded Pltf's., safety; forcing him to operate laundry presser when safety function didn't work; causing presser to injur Pltf.~~

Defendant #2: Sgt. Adair-laundry Supervisor; 264 FM 3478 Huntsville, TX. 77320

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~Refused to adhere to dangerous use of presser's safety function not working to prevent the lid from slamming shut w/out warning causing irreparable head, neck and spinal injuries to Pltf.,.~~

Defendant #3: Sgt. A. Carter-Laundry Supervisor; 264 FM 347 Huntsville, TX. 77320

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~Failed to adhere safety violations of presser; demanded its use, Threatened to issue disciplinary if Pltf., refused to use defective presser.~~

Defendant #4: [Joe Doe]-name unknown Greivance Supervisor 264 FM 3478 Huntsville, TX. 77320

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~After injuries, this name unknown Def., refused to process his step-1 or return it to proceed on to step-2 to deprive due process intentionally an attempt to illegally cover-up this event:~~

Defendant #5: Sgt. Justice-laundry Supervisor; 264 FM 3478 Huntsville, TX. 77320.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
~~This laundry official refused to report the malfunctions of saftey function not working; failed to issue out of order notice; failed to prohibit this presser's use, compelling Pltf., to use presser disregarding his safety and welbeing subjected him to irreparable injuries, requiring two surjuries; neck and spinal emergency surjuries, yet had duty to shut presser down to protect Pltf., prohibiting its use until safety function had been repaired...||.."~~

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

These Def's., refused to adhere to the safety of Pltf., when each were informed by Pltf., that the when activating the open/release function on presser, its safety function to remain open until the close function is activated; Def's., refused to issue repair request Or deem presser out of order prohibiting its use until safety function was fixed; As a result of not shutting down the malfunctioning presser, the steel-hot lid when opened, would crash down without activating the close function; Pltf., was ordered to use this presser knowing of the danger Or get a disciplinary case for refusing to work Or be locked-up; Pltf., was hit in the head by the malfunctioning presser-lid requiring stitches, sever head aches, dizzyness unwanted pain/suffering; neck injuries requiring surgery; and spinal injuries requiring spinal surgery. Resulting in irreparable injuries changing Pltf's., life forever directly due to these Def's., refusal to simply shut the presser down until emergency repairs were done preventing subjecting Pltf., to "Cruel and Unusual Punishment"

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. Each Defendant: See [Complaint for Section B.]

1. Compensatory Damages	100.000.00 Dollars
2. Punitive Damages.....	100.000.00 Dollars
3. Pain and Suffering.....	100.000.00 Dollars
4. Mental Anguish.....	100.000.00 Dollars
5. Emotional Distress.....	100.000.00 Dollars

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

~~XXXXX~~ Harold D. Driver

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

322091; 350666; 01838671

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☐ NO ☒

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? N/A YES ☐ NO ☐

C. Has any court ever warned or notified you that sanctions could be imposed? YES ~~xx~~ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning was issued: _____

Executed on: 9-21-19
DATE

Harold Davis

(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 21th day of Sept., 2019
(Day) (month) (year)

Harold Davis

(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON, DIVISION

Harold Davis
Plaintiff,

v.

Estelle, et al;
Defendants.

§
§
§
§
§
§

Civil Action No. _____

Dated: 9-21-19

Civil Rights Complaint

Comes now, Harold Davis hereinafter called Plaintiff-[Pltf] pursuant to 42 U.S.C. § 1983 under Hains v. Kerner, 404 U.S. 519 [1972]; presents "Civil Rights Complaint" complaining that the below listed Defendant's acting under the "COLOR OF LAW" refused to protect; failed to adhere to safety of Pltf's., safety forcing him to operate a malfunctioning laundry presser causing irreparable neck and spinal injuries; requiring emergency surgery.

Jurisdiction

The Court has proper jurisdiction pursuant to 42 U.S.C. § 1983; U.S.C. § 1985-86-Conspiracy, these, give the Court adequate jurisdiction to adhere the violation's of his 8th Amendment.

Listed Parties

1. Plaintiff:

Harold Davis, shall be served all pleadings @ 264 FM 3478
Estelle unit Huntsville, TX. 77320;

2. Defendant's:

1. Capt., T. Lee, Estelle's laundry supervisor, shall be served @ 264 FM 3478 Huntsville, TX. 77320;
2. Sgt. Adair, Estelle laundry supervisor, shall be served @ same address in Huntsville, TX.
3. Sgt. Justice, Estelle laundry supervisor, shall be served @ same address in Huntsville, TX.
4. Sgt. A. Carter, Estelle laundry supervisor, shall be server @ same address in Huntsville, TX..
5. [Name unknown]-Greivance supervisor, shall be served at same address in Huntsville, TX.

The Civil Rights Violation's Complaint

Pltf., a Texas prisoner, located at 264 FM 3478 Estelle unit in Huntsville, TX. 77320, was assigned work duties in the unit laundry as a [Presser] pressing officials uniforms and officer's personal clothen.

On, 11-16-17, [date to be supplied] after securing medical records; while working as assigned, Pltf., had voiced complaints to each cited Defendent concerning the malfunction of the presser he operated; said malfunction would prohibit the presser's "Safety" openning and release function ... meaning, When the presser is opened and rises-up, its to remain open until the close button is activated; However, this presser's "Safety" function was in great need of repair to prevent the presser from ...instantly closing, slamming down shut without warning.

On said day while operating said presser, after many complaints to each Def., herein, "NO" one filed a repair order Or simply shut that presser down until the needed emergency repairs were done forcing Pltf., to work under these dangerous conditions intentionally disregarding Pltf's., civil rights to have a safe working environment, using equiptment that provided the constitutional safety the 8th Amendment dictates subjected Pltf., to either press placing himself in instant life threathning danger if, hit by the presser's slamming shut without warning caused by the "Safety" auto/open/shut function that ... prevents the presser from closing until the close function button is activated Or Pltf., was threatned with a disciplinary case if he refused to use this malfunctioning presser..."

After many unheard, ignored concerns of his safety, the Def's., ORDERED Pltf., to press using a presser each knew was being operated with the "Safety" function out-of-order, yet forced Pltf., to use this presser in spite its malfunctions

each Def., knew placed Pltf., Or any other Texas prisoner who's assigned to operating this defective presser in instant danger of this malfunction causing irreparable injury Or death..because the weight of the presser-lid, made of steel could kill a person if it slams shut hitting the operator in the head.."These issues of concern to Pltf's., welbeing was so greatly ignored caused irreparable injuries to Pltf., when on [date to 9-16-17 be supplied] after securing medical records, evidence Pltf., was struck in the head by the malfunctioning presser's safety protocol being ignored Or simply ...shut it down.." until the nessecary repairs were completed to... prevent unwanton, irreparable injuries, pain and suffering or possible death of the operator.

Pltf., was [911-ed] to emergency health care facility where stiches were required; Pltf., suffered great pain, emotional stress because of his daily fears using the defective presser and his laundry officials disregarded his safety, welbeing and his life, refused to simply shut that presser down, making the needed safety repairs before ORDERING any Texas prisoner to put himself in harms-way knowing each time this presser is used places whomever in direct danger of not only injury, but death.

As a direct result from being ingored, denial of taking steps to protect Pltf's., civil rights by not fixing the presser, forcing Pltf., to press subjected Pltf., to great irreparable injuries requiring stiches, and server headaches, neck and back injuries that required [t]wo-different surgeries.

The injury cause the need of neck surgery to repair his nech of which inspite of said surgery, Pltf., now must wear a neck-brace, he suffers sleepless nights, during his days, he suffers acute pain and suffering, dizzy spells and mental anguish because Pltf., reported the malfunctions to these Def's., but they greatly disregarded his complaints and concerns, thus, nearly killed the Pltf.,.

Lastly, Pltf's., spine was so serverly damaged, required surjury in-hopes would releave spinal presure caused by being hit in the head by the presser's lid.." ... Pltf., is unable to provide his medical records to the Court, MRI's, cat-scan, x-rays, surgen's nots, ect., however upon discovery pursuant to F.R.C.P. Rule 34, all needed documents to aid the Court to enter a decision and likewise for the jury to weigh will be provided in support of the unConstitutional acts Or omissions to act of each Def., herein, while acting under the "Color of Law" in both their individual and official capacities violated Pltf's., civil rights.." Resulting irreparable injuries requir- ing Pltf., to walk with a walker with the use of a neck brace to balance his head holding it upright.

Requested Heflief Section [A]

1. Compensatory damages in the amount of;\$ 100.000.00 Dollars
 2. Punitive damages in the amount of;\$ 100.000.00 Dollars
 3. Pain and suffering in the amount of;\$ 100.000.00 Dollars
 4. Mental anguish in the amount of;\$ 100.000.00 Dollars
 5. Emotional Stress in the amount of;\$ 100.000.00 Dollars
- Total per-Def., of Section [A] is;\$ 500.000.00 Dolars
Grand total of this lawsuit is;\$ 2.5 Million Dollars

Section [B]

The unknown future medical condition requires the Court to extend future medical health care, additional neck and spinal surguries may be required as time movesforth, thereby any and all additional medical must be provided for the rest of Pltf's., life.."

Section [C]

The Pltf., being the Court's prevailing party moves the Court for appointment of counsel to even the battle feild of play; The Def's., will no doubt have the very best the ||State of Texas can buy, thus, being the the interest of justice counsel is needed and requested. See, 28 U.S.C. 3006A.

Conclusion

Resulting from each Def.'s refusal, failures to disregard safety in protect a Texas prisoner's rights and welbeing while in custody of this Def., refused to fix/repair the presser Or simply shut it down placing an " OUT OF ORDER " sign to prevent its use until the required repairs were done. As the direct results from ignoring Pltf's., complaints and concerns for for both his safety and his life, Pltf., was nearly killed when the prseer's malfunction slammed-down, hitting Pltf., in the head causing a gash requireing stiches, neck surjury due to damages caused by being hit by the pressers lid, said injury also caused spinal injuries that required spenial surjury sustaining irreparable life-threathning injuries.."

Pltf's., last cited [Name unknown]-Joe Doe, Estelle's grievance official intentionally and deliberately withheld step one-1, requiring Hltf., to file a sencond step-1, of which neither was ever returned to Pltf., in an attempt to prevent Pltf., from securing his relief he's constitutionally entitled to is cited as an act or omission to act, acting in concert with the other Def's., to cover-up this even stands in direct violation of 42 U.S.C. § 1985-86-conspiracy to intentionally deprive a united States citizen of constitutional safe guards protecting and proventing " Cruel and Unusual Punishment " caused by the other Def's., failures to fix/repair Or simply shut it down.."

The Pltf., has exhibited a claim upon which sought relief shall be granted by this court; With discovery all needed medical reports shall aid the court in making the adequite decision in appointing counsel pursuant to 28 U.S.C. § 3006A, being the prevailing party herein.

Pltf., demands a jury trial to present these facts to so that the fact finders may adhere to how his Def's., disregarded his welbeing, safety, and life.."

Prayer


The Pltff., prays pursuant to F.R.C.P. Rule 8b, demands a jury triall prays the court for appointment of counsel; prays discovery to secure document in possession of the Def's., to aid the court in asserataing facts with evidence.

It has been prayed.."

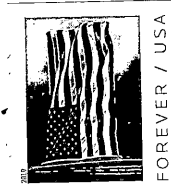
Certificate of Service

I Harold Davis TDC-01838671, hereby state; All of the foregoing is true and correct and under the penalty of perjury has this civil rights violation complaint been submitted to this court:

Executed this the 21st day of Set., 2019;

Signed: 
#01838671

Respectfully Submitted
Harold Davis*01838671
264 FM 3478 Estelle unit
Huntsville, TX. 77320



NAME DAVID J. BRADLEY
 TDC# 1838671
 ESTELLE UNIT
 264 FM 3478
 HUNTSVILLE, TX 77320

United States Courts
 Southern District of Texas
 FILED

OCT 03 2019

David J. Bradley, Clerk of Court

U.S. District Court Southern Dist. TX
 P.O. Box 61010 - Houston Division
 Houston, Texas. 77208